

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

INTERNATIONAL MANUFACTURING &
ENGINEERING SERVICES CO., LTD.,

Plaintiff,

DECISION AND ORDER

06-CV-6186L

v.

EASTMAN KODAK COMPANY,

Defendant.


The Court has reviewed the flurry of letters (August 17, August 22, and August 23, 2006) concerning scheduling the two pending motions between plaintiff, International Manufacturing & Engineering Services Co., Ltd., (“IMES”), and defendant, Eastman Kodak Company (“Kodak”).

I intend to keep the present motion schedule, September 26, 2006 at 11:30 a.m. I believe that the motions are interrelated, the parties appeared to have agreed to that date with my courtroom deputy, and I see no harm in arguing these matters at one sitting.

Whether the disputed document may be utilized by Kodak in this litigation, whether it should be characterized as IMES contends, and whether the manner in which Kodak obtained the document should preclude its use, are relevant to IMES’ motion for injunctive relief and Kodak’s motion to dismiss.

All courts, from time-to-time, deal with sensitive, arguably confidential, material in both civil and criminal cases, and the parties here can adequately present their positions without prejudice. In sum, for the reasons stated, and in the interest of the shortness of life, the existing schedule remains in place.

IT IS SO ORDERED.


A handwritten signature in dark ink, appearing to read "David G. Larimer", is written over a horizontal line. Below the line, the name "DAVID G. LARIMER" is printed in a serif font, followed by "United States District Judge" in a smaller serif font.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
August 28, 2006.